

REMARKS

Claims 1-2, 4-9, 12-22, and 25-33 remain for consideration in this application. In view of the claims as they now stand, the rejections of the last action are respectfully traversed,

Claims 1, 14, and 27 are in independent format, and each of these claims has been amended to recite a range of from about 2-8 percent by weight, based upon the total weight of the sulfonated alkyd/monomer total weight in the reaction mixture. Also, each now recites a corresponding monomer range of 92 to about 98 percent by weight. These amendments are fully supported by the specification which recites a preferred alkyd limit of 8 percent and a preferred monomer limit of 92 percent (see p. 10, lines 5-8).

These amendments also unquestionably distinguish the cited prior art, namely the '149 Clark patent. That reference discloses the use of significantly higher amounts of alkyd, as compared with the presently claimed levels. As set forth at column 10, lines 27-30, ranges of 5-60, preferably 10-50, and more preferably 20-40 percent of alkyd are recited. Thus, with respect to the alkyd range, there is only a very slight overlap between the claimed 2-8 percent range and the broadest, non-preferred 5-60 percent range of the reference. In addition, the claims presently recite an amount of 92 to about 98 percent for the monomer. This is nowhere suggested or taught in the reference, which calls for monomer ranges of 30-90, more preferably 50-80, and most preferably 60-80 percent. Hence, there is absolutely no overlap between this claimed range and the reference.

It is also submitted that the Clark reference does not render obvious the present claims. The broad ranges taught by the reference, even with the insignificant overlap noted, do not teach the presently claimed ranges with sufficient specificity as required by MPEP 2131.03. That section emphasizes that, in order to anticipate or render obvious, a reference teaching must be sufficiently specific in the context that the reference must "clearly envisage" the claimed invention. That is certainly not the case

here. Indeed, the reference, by emphasizing more rather than less alkyd, and less rather than more monomer, directly teaches away from the claimed invention.

It is also clear that the claimed invention has demonstrably unexpected advantages not contemplated by the prior art. Example 10 of the present specification describes preparation of a latex dispersion using about 8% alkyd (the upper limit of the presently alkyd range), yielding an aqueous latex having an average particle size of 104 mm. This is one third of the particle size of Example 5 of the reference which employs 20% alkyd. As emphasized in the last amendment, the present invention provides significantly smaller particle sizes while using relatively low amounts of alkyd resin. This discovery is directly contrary to the teachings of the '149 patent, see, e.g., Examples 5 and 6. It is submitted that the specification examples illustrate the unexpected advantages of the invention, commensurate with the scope of the invention as now claimed, using a maximum of about 8% alkyd resin.

The presently amended claims are not anticipated by Clark for the reasons outlined. No reading of the reference could meet the twin ranges now claimed for alkyd resin and monomer. Withdrawal of all rejections predicated upon Section 102 is therefore appropriate. In like manner, the claims are not rendered obvious by the Clark reference. Clark in no way envisages the presently claimed low alkyd/high monomer latex resins, and in fact teaches away from such products. Finally, if there be any doubt, the examples from the instant specification establish surprising and unexpected results commensurate with the present claims.

No Fee is believed to be due. However, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment in fees to Deposit Account No. 05-0221.

Respectfully submitted,

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I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Date